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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,165	01/09/2004	Ranga Nadig	141146	1265

34132 7590 11/19/2004

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EXAMINER

HIRSCH, PAUL J

ART UNIT PAPER NUMBER

3753

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/755,165

Applicant(s)

NADIG, RANGA

Examiner

Paul J. Hirsch

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 1/9/04;3/22/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/22/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-7, 11, 15-16, 22-23 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by McKerrall. McKerrall teaches apparatus as recited including shell (23,2,14,17,5), outer tube, 15, inner tube 1, helical ridge 9 and respective openings in the passages (fig. 1). In regard to claims 6-7 and 22-23, it is noted that ridge is formed on the outer or inner surface of tubes 1 and 15 by virtue of its location. In regard to claims 15 and 16, outer tube 15 and inner tube 1 respectively support each other in the assembled unit and are located within the shell.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKerrall in view of Coffinberry. To increase the number of ridges for plural passages would be obvious from Coffinberry for more and/or different fluid use.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKerrall. The use of metal for heat exchange units is considered well known and/or conventional.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKerrall in view of Cannon. The formation of multiple helical passages within concentric tubes would be obvious from Cannon within McKerrall for multifluid capability.

Claims 12-14 and 25-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKerrall in view of Ward et al. Ward et al teaches the use of pressure detection systems is well known (col. 12, lines 1-22 for example) and the circulation of inert fluids/gases at chosen plenums (col. 11, lines 3-33 for example) including circulation of the inert gases at higher pressures (col. 12, lines 23-35 for example) which would be obvious within McKerrall if desired and dependent on use.

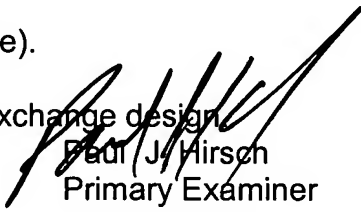
Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over McKerrall in view of Clark, Jr. The inclusion of baffles within a heat exchanger such as taught by McKerrall would be obvious from Clark, Jr. for creating turbulence and affecting heat exchange.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul J. Hirsch whose telephone number is 703-308-1148. The examiner can normally be reached on 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on 703 3082696. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

E-H are further teachings including heat exchange design



Paul J. Hirsch
Primary Examiner
Art Unit 3753

Pjh
November 10, 2004